

**Claim Rejections under 35 U.S.C. §102**

Claims 1, 3, 13, 14, 16, 17, 19, 29, 31-33 and 36 stand rejected under 35 U.S.C. §102(e) as being unpatentable in view of Carlsson et al. (U.S. Patent No. 6,167,240). The rejection of these claims is respectfully traversed.

Carlsson et al. teaches a system and method to reduce interference in a cellular communication system that includes a controlling arrangement communicating with a number of base stations for controlling a number of mobile stations. In particular, a base station includes detecting means for detecting interference. The base station, upon detecting interfering signals from one or more mobile stations transmits an alarm signal to the controlling arrangement, which controls a number of base stations. The controlling arrangement, upon reception of an alarm signal from one of its base stations, orders identification (i.e., sends a message having an identification order) of all mobile stations connected to other base stations that are close to the base station transmitting the alarm signal.

Mobile stations then transmit identification signals in response thereto. The base station detects these identification signals and sends a message to the controlling arrangement containing information for the specific mobile station that is interfering. The controlling arrangement then orders the base station that controls the interfering mobile station to take appropriate action. Generally disclosed in Carlsson et al. as exemplary actions are to change frequency, reduce transmission power, stop the transmission, or perform a soft

handover with respect to the identified mobile station. Further, Carlsson et al. discloses modulating transmit power, in which case the respective base stations vary power control commands, in order to identify possible mobile stations contributing to the interference.

Carlsson et al. discloses a mobile specific based power control operation. By contrast, the claimed invention recites a "system-based power control operation." Specifically, there is no teaching or suggestion within the Carlsson et al. patent document that approaches the limitations of the independent claims. In particular, and with respect to independent claims 1 and 17, Carlsson et al. fails to teach or suggest at least "generating power adjust commands in accordance with a system-based power control operation." Therefore, Applicants respectfully submit that Carlsson et al. fails to disclose each and every claim limitation as required by independent claims 1 and 17, and the rejection under 35 U.S.C. §102(e) is improper.

Further, there is no teaching or suggestion within the Carlsson et al. patent document that approaches the limitations of independent claims 33 and 36. In particular, and with respect to independent claims 33 and 36, Carlsson et al. fails to teach or suggest at least "generating power adjust commands based on the selected power control scheme." The Office Action states that Carlsson et al. inherently teaches selecting a first power control scheme when the detecting step does not detect an increased interference condition as evidenced by the fact that the base station in which the mobile station

connects determines the appropriate transmitter power. Carlsson et al. only states that in an exemplary cellular communication system it is supposed that the transmitting power of the mobile station is comparatively high. Further, depending upon pathloss differences between the uplink and downlink, the base stations are scanned to determine which base station has the highest signal strength. This information is then used to control handovers of the mobile station having the pathloss problems.

Thus, Carlsson et al. merely discloses switching between base stations based upon a signal strength power determination and fails to teach or suggest "generating power adjust commands based on the selected power control scheme." Therefore, Applicants respectfully submit that Carlsson et al. fails to disclose each and every claim limitation as required by independent claims 33 and 36, and the rejection under 35 U.S.C. §102(e) is improper.

Further, claims 3, 13, 14, 16, 19, 29, 31, and 32 are dependent upon allowable independent claims and are likewise allowable for at least the same reasons that the independent claims from which they depend are allowable.

**Claims Rejections under 35 U.S.C. §103**

Claims 2, 10, 18 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carlsson et al. and an obvious design choice. Further, claims 15 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carlsson et al. in view of Padovani (U.S. Patent No.

6,192,249) and claims 4-9, 11, 12, 20-28, 34, 35, 37 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carlsson et al. in view of Chheda et al. (U.S. Patent No. 6,181,738). The rejections of these claims are respectfully traversed.

Applicants submit that even from a cursory review of Padovani or Chheda et al., there is no suggestion or teaching within either of these patent documents that approaches the limitations of the independent claims as discussed above. Therefore, Padovani or Chheda et al. fail to make up for the deficiencies of Carlsson et al., and claims 2, 4-9, 10, 11, 12, 18, 20-28, 30, 34, 35, 37 and 38, which depend from allowable independent claims, are allowable for at least the same reasons that the independent claims from which they depend are allowable.

Therefore, Applicants respectfully submit that the rejections under 35 U.S.C. §103 are improper and should be withdrawn.

### **CONCLUSION**

Accordingly, in view of the above remarks, and all of the stated grounds of rejection having been properly traversed, accommodated, and/or rendered moot, reconsideration of the rejections and allowance of each of claims 1-38 in connection with the present application is earnestly solicited. It is believed

that a full and complete response has been made to the outstanding Office Action, and as such, the present application is condition for allowance.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$110.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application before allowance thereof, the Examiner is respectfully requested to contact the undersigned at (703) 390-3359.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By: 

Gary D. Yacura  
Registration No. 35,416

Reg. No. 46247 for

GDY/ERS:lbe

12355 Sunrise Valley Drive  
Reston, Virginia 20191  
703-390-3030